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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALEXANDER LIU, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff

v.

XOOM CORP., JOHN KUNZE, AND RYNO
BLIGNAUT,

Defendants.

PATRICK ANDREW BARRETT, Individually
and On Behalf of All Others Similarly Situated,

Plaintiff

v.

XOOM CORP., JOHN KUNZE, AND RYNO
BLIGNAUT,

Defendants.

Case No. 5:15-cv-00602-LHK

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~ ORDER
TO CONTINUE INITIAL CASE
MANAGEMENT CONFERENCES AND
RESET RELATED DEADLINES**

Date: June 3, 2015
Time: 2:00 p.m.
Courtroom: 8 - 4th Floor
Judge: Honorable Hon. Lucy H. Koh

Case No. 5:15-cv-01319-LHK

Pursuant to Civil Local Rules 6-2, 7-12 and 16-2, Plaintiff Alexander Liu and Plaintiff Patrick Andrew Barrett (collectively, “Plaintiffs”) and Defendants Xoom Corporation, John Kunze, and Ryno Blignaut (collectively, “Defendants” and, together with Plaintiffs, the “Parties”) hereby agree and stipulate that good cause exists to request an order from the Court rescheduling the Initial Case Management Conferences currently set for June 3, 2015 in the two related cases *Liu v. Xoom Corp. et al.*, Case No. 5:15-cv-00602-LHK (“*Liu*”) and *Barrett v. Xoom Corp., et al.*, Case No. 5:15-cv-01319-LHK (“*Barrett*”), and accordingly resetting all associated deadlines.

WHEREAS, the *Liu* and *Barrett* cases are putative class actions for alleged violations of Sections 11 and 15 of the Securities Act of 1933 filed ostensibly on behalf of all similarly-situated individuals who purchased common stock of Xoom allegedly “pursuant and/or traceable to [Xoom’s] Registration Statement and Prospectus, declared effective by the SEC on February 14, 2013, issued in connection with [Xoom’s] Initial Public Offering (the ‘IPO’).” *Liu* Complaint ¶ 1; *Barrett* Complaint ¶ 1.

WHEREAS, Plaintiffs initiated the *Liu* and *Barrett* actions by filing complaints in the San Francisco Superior Court, which Defendants subsequently removed to the Northern District of California;

WHEREAS, on February 27, 2015, Plaintiff Alexander *Liu* filed a Motion to Remand (the “Motion to Remand”) which has been fully briefed and is set for hearing on July 2, 2015;

WHEREAS, on March 26, 2016, the Court granted Defendants’ Administrative Motion and approved the Parties’ Stipulation relating the *Liu* and *Barrett* actions and ordering that this Court’s ruling on the pending Motion to Remand in the first filed *Liu* action will also apply to the second, related *Barrett* action;

WHEREAS, the hearing on the Motion to Remand is set for July 2, 2015, which date is after the Initial Case Management Conferences currently set for June 3, 2015 and all related deadlines;

WHEREAS, if the Motion to Remand is granted, the cases will be remanded to the San Francisco Superior Court, negating the need for the exchange of initial disclosures or Case Management Conferences;

1 WHEREAS, if the Motion to Remand is denied, then the Court will address, among other
 2 things, Plaintiffs' motion(s) to consolidate and to file (an) amended pleading(s) and Defendants'
 3 anticipated motion(s) to dismiss;

4 WHEREAS, the Parties agree that because the Private Securities Litigation Reform Act of
 5 1995 (the "PSLRA") stays all discovery, including initial disclosures, pending the disposition of
 6 motions to dismiss in securities actions such as this one, it is appropriate to defer the initial case
 7 management conferences and the completion of initial disclosures until Defendants have had the
 8 opportunity to file any motion(s) to dismiss, and the Court has ruled on Defendants' anticipated
 9 motion to dismiss. *See, e.g., Medhekar v. United States Dist. Court*, 99 F.3d 325, 328-29 (9th Cir.
 10 1996) (holding F.R.C.P. 26(a)'s initial disclosure requirements are disclosures or other proceedings
 11 for purposes of PSLRA's stay provision, and must be stayed pending disposition of motion to
 12 dismiss);

13 WHEREAS, because the resolution of the Motion to Remand and/or Defendants' anticipated
 14 motion(s) to dismiss may dispose of the action in its entirety, or alter the issues in the lawsuit,
 15 deferring the initial case management conferences and the completion of initial disclosures until the
 16 Court has resolved the Motion to Remand and/or Defendants' anticipated motion(s) to dismiss
 17 would further the interests of judicial economy and preserve the resources of the Parties;

18 NOW, THEREFORE, PURSUANT TO CIVIL LOCAL RULES 6-2, 7-12 and 16-2, IT IS
 19 HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

- 20 1. The Court's orders setting the Initial Case Management Conferences and the related
 21 deadlines therein are hereby vacated;
- 22 2. This Stipulation is entered into without prejudice to any party seeking any interim
 23 relief;
- 24 3. Nothing in this Stipulation shall be construed as a waiver of any of Defendants' rights
 25 or positions in law or equity, or as a waiver of any defenses that Defendants would otherwise have,
 26 including, without limitation, service of process and jurisdictional defenses; and
 27

1 4. The Parties do not seek to reset these dates for the purpose of delay, and this
2 Stipulation will not have an effect on any pre-trial and trial dates as the Court has yet to schedule
3 such dates.
4

5 Dated: May 18, 2015

Respectfully submitted,

GOODWIN PROCTER LLP

By: /s/ Brian E. Pastuszenski

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20 Dated: May 18, 2015

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1 Dated: May 18, 2015

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16 PATRICK ANDREW BARRETT

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 The Court hereby CONTINUES the initial case management conferences to July 2, 2015,
3 at 1:30 p.m.

4 ENTERED: May 20, 2015


HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE